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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 HARRY POLSTON,

10 Plaintiff,

11 v.

12 PATRICK GLEBE et al.

13 Defendants.

CASE NO. C11-5290-RBL-JRC

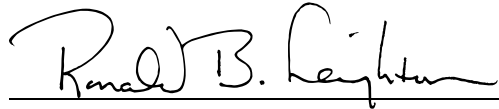
ORDER

14 The Court having reviewed the Report and Recommendation of the Hon. J. Richard  
15 Creatura, United States Magistrate Judge, objections to the Report and Recommendation [Dkt.  
16 #38], defendant's response thereto [Dkt. #40], and the remaining record, does hereby find and  
17 Order:

- 18 (1) The Court adopts the Report and Recommendation;  
19 (2) This complaint is dismissed without prejudice so that plaintiff may pursue his  
20 claim in state court. Where the state provides an adequate post deprivation  
21 remedy for state employees conduct, there is no due process claim.  
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1 (3) The clerk is directed to send copies of this Order to Plaintiff, and the Hon. J.  
2 Richard Creatura.

3 DATED this 28<sup>th</sup> day of October, 2011.

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6 RONALD B. LEIGHTON  
7 UNITED STATES DISTRICT JUDGE  
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